the U. S. Naval Home mentioned in R. & P., R–2108 and R–2112, will be continued during furloughs or other temporary absences for periods of less than thirty days (August 26, 1936) (Public, No. 299, 71st Congress, and Veterans' Regulation No. 6 Series).

SPECIAL ACTS

R–2188. *Special Acts.*—Pension payable under special acts is subject to reduction pursuant to Veterans' Regulation No. 6 (c) but if such pension is based on service during the Spanish-American War, including the Philippine Insurrection or the Boxer Rebellion, or prior thereto, reduction under Veterans' Regulation No. 6 (c) will be made only when the veteran is furnished hospital or domiciliary care by the Veterans' Administration (August 26, 1936).

APPORTIONMENT

R–2220. *Special Apportionment.*—Special apportionment may be made as to retired emergency officers' benefits and pension payable pursuant to Public, No. 2 and No. 141, 73d Congress, and Public, No. 788, 74th Congress, including pension payable under special acts if based on service subsequent to the Spanish-American War, including the Philippine Insurrection or the Boxer Rebellion, except as to apportionments under the provisions of Section 21(3) of the World War Veterans' Act, 1924, as amended by Public, No. 262, 74th Congress, but as to pension of any other class, only if the veteran is maintained by the Veterans' Administration (see also R. & P. R–1315) (August 26, 1936).

APPLICATION FOR DEATH BENEFITS

R–2500. A specific claim on the form prescribed by the Administrator of Veterans Affairs must be filed by the widow, child, or children and/or dependent mother or father applying for pension or compensation, or for accrued pension, compensation or emergency officers' retirement pay. (V. R. 2 (a), Part I, Par. VI.) The application must be executed before a notary public or other officer authorized to administer oaths for general purposes, or before an employee of the Veterans' Administration to whom authority to administer oaths has been delegated by the administrator. In the event the claimant's application is not complete at the time of original submission, the Veterans' Administration will notify the claimant of the evidence necessary to complete the application and if such evidence is not received within one year from the date of request therefor, pension or compensation may not be paid by virtue of that application (V. R. 2 (d), Part I, Par. I (a) (2)); *Provided,* That a claim for pension or compensation filed by a widow or by the next friend or guardian of a child will also be considered as a claim for any accrued amount due; *Provided further,* That a claim filed by a widow in which additional pension or compensation is claimed on account of a child or children in her custody, who herself does not have title, will be accepted as a valid claim on behalf of the child or children (August 26, 1936) (Public, No. 844, 74th Congress.)

[SEAL] FRANK T. HINES,
Administrator of Veterans' Affairs.

[F. R. Doc. 1929—Filed, August 26, 1936; 11:46 a. m.]

Friday, August 28, 1936 *No. 120*

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48495]

CUSTOMS REGULATIONS AMENDED

ARTICLES 457 AND 461 OF THE CUSTOMS REGULATIONS OF 1931, RELATING TO VESSEL SUPPLIES, AMENDED

To Collectors of Customs and Others Concerned:

Pursuant to the authority contained in Section 309 (a) of the Tariff Act of 1930 (U. S. C. title 19, sec. 1309 (a)), Section 630 of the Revenue Act of 1932, as amended, (U. S. C. title 26, Sec. 630 in note at end C. 20) (U. S. C. Sup. I, same), and Section 624 of the Tariff Act of 1930 (U. S. C. title 19, sec. 1624), Article 457 of the Customs Regulations of 1931 is amended by the addition of a new paragraph (b) to read as follows:

(b) When the merchandise is not to be laden at the port of withdrawal it must be withdrawn for transportation in bond to the port of lading. Three copies of manifest, Customs Form 7512, in addition to 6 copies of the withdrawal on Customs Form 7506 will be required. The procedure will be the same as that prescribed in Article 901 (b) (the 6 copies of Form 7506 taking the place of the entry copies of Form 7512), except that no shipper's export declaration, Customs Form 7525, will be required.

Paragraphs (b) and (c) of Article 457 are redesignated (c) and (d), respectively.

Article 461 of the Customs Regulations of 1931 is amended to read as follows:

The bond given on withdrawal of supplies shall be canceled upon the production within six months from the date of withdrawal of an affidavit of the master or other officer of the vessel having knowledge of the facts, showing that such supplies have been used on board the vessel and no portion thereof landed within the limits of the United States or any of its possessions. An extension of three months, and a further extension of three months may be granted upon written application to the Collector showing to his satisfaction that failure to produce the affidavit was not due to lack of diligence.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved, Aug. 21, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 1963—Filed, August 27, 1936; 11:24 a. m.]

Bureau of Internal Revenue.

[T. D. 4685]

AFFIXING WINE STAMPS AND DESTROYING STAMPS, MARKS, AND BRANDS

To District Supervisors, Collectors of Internal Revenue, and Others Concerned:

Pursuant to Section 616 of the Revenue Act of 1918 (U. S. C., 1934 ed., title 26, sec. 1306), as amended by Section 338 of the Liquor Tax Administration Act (Public, No. 815, 74th Congress), and pursuant to Section 620, 1305, and 1309 of the Revenue Act of 1918 (U. S. C., 1934 ed., title 26, sections 1309, 1345, and 1350, respectively), the following regulations are hereby prescribed:

1. Winemakers and proprietors of bonded storerooms shall, prior to the removal for sale or consumption from their bonded premises, attach to each cask, barrel, bottle, or other immediate container, or to each case or other shipping container (except tanks and tank cars) of wine, a stamp denoting the payment of internal revenue tax thereon. Where wine is shipped in tanks or tank cars, the winemaker or proprietor of the bonded storeroom shall attach to a copy of the bill of lading wine stamps in a value equal to the tax on the wine so shipped; shall cancel the stamps by indelibly writing or stamping thereon, or perforating, his name or initials and the date of cancellation; and shall send the copy of the bill of lading to which the canceled wine stamps are attached to the District Supervisor. He shall also affix to each tank or tank car a certificate of taxpayment, showing the name, registry number, and location (city or town and State) of the bonded premises from which shipped, the contents in wine gallons, the kind and alcoholic strength of the wines, and the date of taxpayment.

2. If the tax stamp is affixed to bottles of still wine, champagne, or other sparkling white and artificially carbonated wines, the winemaker or proprietor of the bonded storeroom shall stencil or mark on the case the following statement:

Tax paid by stamps affixed to bottles.

If the stamps are affixed to the case, he shall affix to each bottle a label containing the following statement:

Tax paid by stamps affixed to case.

3. Stamps shall be canceled by the winemaker or proprietor of the bonded storerooms by indelibly writing or stamping thereon, or perforating, his name or initials and the date of cancellation.

4. The winemaker or proprietor of the bonded storeroom shall mark or brand each cask, barrel, keg, and case as prescribed by Regulations 7 (Wine), May 1, 1930.

5. A dealer who empties any receptacle to which wine stamps are attached shall destroy such stamps; and if the receptacle is a cask, barrel, keg, tank, or a tank car, he shall scrape or obliterate the marks, brands, and certificates of tax payment thereon. Wine stamps shall be destroyed by scraping or obliterating, immediately the receptacles to which they are attached are emptied. Marks and brands on all casks, barrels, and kegs, and certificates of tax payment on tanks, and tank cars, containing wine, shall also be scraped or obliterated immediately upon emptying.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved August 21, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 1962—Filed, August 27, 1936; 11:24 a. m.]

[T. D. 4686]

CLAIMS ON ACCOUNT OF SPOILED AND USELESS LIQUOR BOTTLE STRIP STAMPS

To District Supervisors, Collectors of Internal Revenue, and Others Concerned:

Section 326 of the Liquor Tax Administration Act (Public, No. 815, 74th Congress) provides as follows:

SEC. 326. Section 203 of the Liquor Taxing Act of 1934 is amended by adding a new paragraph at the end thereof, as follows:

"The Commissioner of Internal Revenue, under regulations approved by the Secretary of the Treasury, may issue new stamps in exchange for any unused stamps issued under this Act that have been spoiled by fire or water, or rendered useless by erroneous overprinting or cutting; or may refund the value of any unused stamps for which the lawful owner has no use due to the discontinuance or transfer of his business: *Provided,* That stamps may be exchanged, or the value thereof refunded, only in quantities of the value of $5 or more: *And provided further,* That no claim for the exchange of such stamps or refund therefor shall be allowed unless presented within one year after the date on which such stamps were purchased, or, in the case of any such stamps so spoiled or rendered useless or for which the lawful owner had no use due to the discontinuance or transfer of his business prior to the date of the enactment of the Liquor Tax Administration Act, within one year after such date. There are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this paragraph."

Pursuant to this provision of the statute, the following regulations are prescribed:

1. When stamps issued under Title II of the Liquor Taxing Act of 1934 have been spoiled by fire or water, or rendered useless by erroneous overprinting or cutting, the lawful owner may obtain new stamps in exchange therefor, but may not obtain a refund of the purchase price. The lawful owner of stamps, who has no use therefor due to the discontinuance or transfer of his business, may obtain a refund of the value of such unused stamps.

2. Claim under Section 326 of the Liquor Tax Administration Act for exchange of stamps, or for refund for unused stamps, must be filed by the purchaser of the stamps with the Collector of Internal Revenue of the district where the stamps were purchased.

3. Statements in support of the claim must be in affidavit form. Unless already submitted to the Collector or Supervisor, the stamps on account of which claim is made must accompany the claim.

4. If the stamps are spoiled by fire or water, or rendered useless by erroneous overprinting or cutting, evidence to that effect must be submitted with the claim for exchange for new stamps.

5. When refund is claimed for the reason that the lawful owner has no use for the stamps due to the discontinuance or transfer of his business, the claimant must submit evidence of that fact with his claim.

6. No claim will be allowed for stamps in quantities of the value of less than five dollars.

7. Claims must be filed within one year after the date on which the stamps were purchased: *Provided,* That if, prior to the date of enactment of the Liquor Tax Administration Act, the stamps were spoiled by fire or water, or were rendered useless by erroneous overprinting or cutting, or were of no further use to the lawful owner due to the discontinuance or transfer of his business, claims must be filed within one year after such date.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, August 21, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 1961—Filed, August 27, 1936; 11:23 a. m.]

[T. D. 4687]

AMELIORATION OF WINE AT BONDED WINERIES

To District Supervisors, and Others Concerned:

Section 318 of the Liquor Tax Administration Act (Public, No. 815, 74th Congress), approved June 26, 1936, provides as follows:

SEC. 318. The Secretary of the Treasury may, by regulations, authorize the amelioration of wine by the winemaker, and the fortification of wine, without supervision by any officer of the United States, whenever he determines that such authorization may be made without danger to the revenue.

PAR. 1. Pursuant to this provision of law, proprietors of bonded wineries are hereby authorized to ameliorate wine without supervision by Government officers.

PAR. 2. Proprietors of bonded wineries must observe the limitations imposed in Section 610 of the Revenue Act of 1918 (U. S. C., 1934 ed., Supp. I, title 26, sec. 1310 (d)), as amended by Section 330 of the Liquor Tax Administration Act, and Section 617 (Sub-Section 43) of the Revenue Act of 1918 (U. S. C., 1934 ed., Supp. I, title 26, sec. 1302 (d)), relative to the amelioration of wine.

PAR. 3. The storage of sugar, sugar solution, and condensed must in fortifying rooms or special sweetening agents rooms under Government lock is not required. Government officers will permit the removal of sugar, sugar solution, and condensed must from fortifying rooms and will remove Government locks from doors of special sweetening agents rooms in order that such materials may be available for ameliorating wine without supervision.

PAR. 4. The amelioration of juice (must) or wine prior to or during the process of fermentation will be shown on the winemaker's production report (Form 701). The amelioration or sweetening of wine, after the same has been taken into account (Form 702) as wine produced, will be shown in the proper detailed statement and in the summary of that account. Where wine is produced for probable fortification, the winemaker will attach a label (Form 546) to the tank containing such wine, showing all information required by such label relative to amelioration and sweetening.

PAR. 5. The fortification of wine with brandy and taxpaid grain or other ethyl alcohol will be done under the supervision of Government officers. Government officers will not allow the fortification of wine unless they are satisfied after examination of the label (Form 546) and testing of the wine, that the limitations in the law relative to the amelioration of wine have been observed. If the Government officer is doubtful whether the wine is eligible for fortification, he will submit the matter to the District Supervisor for decision. Where the fortification of wine is allowed, the results of the test of the wine will be shown in the Government officer's report (Form 275). Detailed information relative to amelioration need not be entered in such report.

PAR. 6. Treasury Department, Bureau of Prohibition, Regulations No. 7 (edition of May 1930) are amended accordingly.

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

Approved, August 21, 1936.

[F. R. Doc. 1960—Filed, August 27, 1936; 11:23 a. m.]

[T. D. 4688]

USE OF BREWERY AND BREWERY BOTTLING HOUSE—REGULATIONS 18 AMENDED

To District Supervisors, and Others Concerned:

Section 3340 of the Revised Statutes, as amended by Section 10 of the Act of March 1, 1879 (U. S. C., 1934 ed., title 26, sec. 1337 (a)), and as further amended by Section 317 of the Liquor Tax Administration Act (Public, No. 815, 74th Congress), reads in part as follows:

(d) The brewery premises shall consist of the land and buildings described in the brewer's notice and shall be used solely for the purposes of manufacturing beer, lager beer, ale, porter, and similar fermented malt liquors, cereal beverages containing less than one-half of 1 per centum of alcohol by volume, vitamins, ice, malt, and malt syrup; of drying spent grain from the brewery; of recovering carbon dioxide and yeast; and of storing bottles, packages, and supplies necessary or incidental to all such manufacture. The brewery bottling house shall be used solely for the purposes of bottling beer, lager beer, ale, porter, and similar fermented malt liquors, and cereal beverages containing less than one-half of 1 per centum of alcohol by volume. Notwithstanding the foregoing provisions, where any such brewery premises or brewery bottling house is, on the date of the enactment of the Liquor Tax Administration Act, being used by any brewer for purposes other than those herein described, or the brewery bottling house is, on such date, being used for the bottling of soft drinks, the use of the brewery and bottling house premises for such purposes may be continued by such brewer. The brewery bottling house of any brewery shall not be used for the bottling of the product of any other brewery. Any brewer who uses his brewery or bottling house contrary to the provisions of this subsection shall be fined not more than $50 with respect to each day upon which any such use occurs.

Pursuant to this amendment of Section 3340, R. S., Paragraph 10 of Regulations 18, relating to the manufacture and tax-payment of fermented malt liquors, is amended by adding at the end thereof a new sub-paragraph designated (f), and Paragraph 13 of the said regulations is amended by adding at the end thereof a new sub-paragraph designated (e), as follows:

PAR. 10 (f). The brewery premises shall consist of the land and buildings described in the brewer's notice, Form 27C, and shall be used solely for the purposes of manufacturing beer, lager beer, ale, porter, and similar fermented malt liquors, cereal beverages containing less than one-half of 1 per centum of alcohol by volume, vitamins, ice, malt, and malt syrup; of drying spent grain from the brewery; of recovering carbon dioxide and yeast; and of storing bottles, packages, and supplies necessary or incidental to all such manufacture: *Provided*, That where any brewery premises was, on the date of the enactment of the Liquor Tax Administration Act (June 26, 1936), being used by the brewer for purposes other than those herein described, the use of such premises for such purposes may be continued by such brewer. Any brewer who uses his brewery contrary to the provisions of this sub-paragraph will render himself liable, under Section 3340, R. S., as amended, to a fine of not more than $50 with respect to each day upon which any such use occurs.

PAR. 13 (e). The brewery bottling house shall be used solely for the purpose of bottling beer, lager beer, ale, porter, and similar fermented malt liquors, and cereal beverages containing less than one-half of 1 per centum of alcohol by volume: *Provided*, That where any brewery bottling house was, on the date of the enactment of the Liquor Tax Administration Act (June 26, 1936), being used by the brewer for purposes other than those described herein, including the bottling of soft drinks, the use of such bottling house for such purposes may be continued by such brewer. The brewery bottling house of any brewery shall not, however, be used for bottling the product of any other brewery. Any brewer who uses his brewery bottling house contrary to the provisions of this sub-paragraph will render himself liable, under Section 3340, R. S., as amended, to a fine of not more than $50 with respect to each day upon which any such use occurs.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, August 21, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 1959—Filed, August 27, 1936; 11:23 a. m.]

[T. D. 4689]

TAX ON UNJUST ENRICHMENT (WINDFALL TAX) TITLE III OF THE REVENUE ACT OF 1936

EXTENSION OF TIME FOR FILING RETURNS

To Collectors of Internal Revenue and Others Concerned:

Pursuant to the provisions of section 53 of the Revenue Act of 1936, an extension of time for such period as may be necessary, but not later than December 15, 1936, is hereby granted for the filing of returns under Title III of the Revenue Act of 1936, for any taxable year ending on or before August 31, 1936.

This Treasury Decision is issued under the authority prescribed by sections 53 and 62 of the Revenue Act of 1936.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, August 26, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 1963—Filed, August 27, 1936; 1:19 p. m.]

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

ORDER

FIXING OPERATION AND MAINTENANCE CHARGES CROW IRRIGATION PROJECTS, MONTANA

MARCH 14, 1936.

In compliance with provisions of an Act of August 1, 1914 (38 Stat., 582-83), the operation and maintenance charges for irrigable lands under the Crow Irrigation Project for the calendar year 1936 and subsequent years until further notice, are fixed as follows:

Under Government operated units, excepting Coburn Ditch, per acre	$0.95
Under Two Leggins Unit, per acre	1.00
Under Bozeman Trail Unit, per acre	0.50

The charges as herein fixed shall become due April 1st, and are payable on or before that date. To all charges assessed against owners of patent in fee or white-owned lands not paid on July 1, following, there shall be added a penalty of ½ of 1 per cent per month, or fraction thereof, from the due date, April 1, so long as the delinquency continues. No water shall be delivered to patent in fee or

white-owned lands until such charges shall have been paid, or to trust patent lands until the Superintendent of the reservation shall have issued a statement to the Project Engineer certifying that the Indian farming such land has paid or will pay or that such Indian is financially unable to pay the charge, or in the case of such Indian trust lands as are leased, until the terms of the lease relative to the payment of water charges shall have been complied with.

T. A. WALTERS,
First Assistant Secretary.

[F. R. Doc. 1955—Filed, August 27, 1936; 10:08 a. m.]

ORDER

FIXING OPERATION AND MAINTENANCE CHARGES FLATHEAD IRRIGATION PROJECT, MONTANA

MARCH 14, 1936.

Pursuant to authority of law contained in existing legislation relative to the Flathead Irrigation Project, Montana, it is hereby ordered that the operation and maintenance assessment rates due April 1, 1936, for the calendar year 1936 and for subsequent years until further notice, for the various subdivisions of the Flathead Irrigation Project, Montana, that are not included in Irrigation Districts that have executed a suitable repayment contract with the United States, be fixed as follows:

Charges applicable to all Irrigable Project Lands in the same general area as the Jocko Valley, the Flathead and the Mission Irrigation Districts and irrigated by the same Irrigation Systems but which are not included in these Irrigation District Organizations

Jocko Valley Area

Charges for Service.—A minimum charge of Fifty Cents (50¢) per acre will be made against all lands within the Jocko Division to which water can be delivered, whether water is used or not, this minimum charge to be credited to the account of water delivered at the following acre foot rates:

(a) For lands receiving water from the Lower Jocko and Revais Creek Laterals, water will be delivered in amounts equal to one acre foot per acre for the entire irrigable area of the farm unit, allotment, or tract at the rate of one dollar ($1) per acre foot, and additional water will be delivered at the rate of fifty cents (50¢) per acre foot.

(b) For lands receiving water from Finley, East Finley, Agency, and Big Knife Creeks, water will be delivered at the rate of seventy-five cents (75¢) per acre foot at any time during the irrigation season, except that for those areas covered by private water rights where the water is regulated by the Flathead Irrigation Project, a charge of fifty cents (50¢) per acre shall be made for water delivered up to two acre feet per acre, and for any additional water delivered to private water rights lands, the regular charge of seventy-five cents (75¢) per acre foot shall be made.

(c) And for lands receiving water from Jocko River through the Jocko K Lateral system, at the rate of fifty cents (50¢) per acre foot at any time during the irrigation season.

Provided, That the maximum charge for water delivered to any farm unit or allotment shall not exceed an amount equal to Two Dollars ($2) per acre for the entire irrigable area of the farm unit or allotment, and no charge for water delivered shall be less than Five Dollars ($5) for the season.

Flathead and Mission Areas

Charges for Service.—A charge of Seventy-five Cents (75¢) per acre shall be levied against all the irrigable area to which water can be delivered, whether water is used or not, and there shall be no further charge for delivery of water up to one and one-half acre feet of water per irrigable acre of land included in any farm unit or allotment, or tract of land which has been assessed for operation and maintenance for that season: *Provided,* That for all water delivered to any farm unit, allotment, or tract in excess of the above amounts there shall be assessed a charge of Seventy-five Cents (75¢) per acre foot in addition to the charge of Seventy-five Cents (75¢) per acre already levied: *Provided further,* That the maximum charge for water delivered to any farm unit or allotment shall not exceed an amount equal to Two Dollars ($2) per acre for the entire irrigable area of the farm unit or allotment, and no charge for water delivered shall be less than Five Dollars ($5) for the season.

General

In the case of lands belonging to the State of Montana, where water service is requested by lessees, delivery will be made upon payment in advance by the lessee of the same minimum charge and at the same rates as are in force for other lands in the same general area that are not included in the Irrigation Districts.

To all charges assessed against owners of patent in fee or white-owned lands not paid on July 1, following, there shall be added a penalty of ½ of 1 per cent per month, or fraction thereof, from the due date, April 1, so long as the delinquency continues. No water shall be delivered to patent in fee or white-owned lands until such charges shall have been paid, or to trust patent lands until the Superintendent of the reservation shall have issued a statement to the Project Engineer certifying that the Indian farming such land has paid or will pay or that such Indian is financially unable to pay the charges, or in the case of such Indian trust lands as are leased, until the terms of the lease relative to the payment of water charges shall have been complied with.

T. A. WALTERS,
First Assistant Secretary.

[F. R. Doc. 1954—Filed, August 27, 1936; 10:07 a. m.]

ORDER

FIXING OPERATION AND MAINTENANCE ASSESSMENT RATE FORT BELKNAP IRRIGATION PROJECT, MONTANA

MARCH 14, 1936.

In compliance with the provisions of an Act of August 1, 1914 (38 Stat., 582–83), the operation and maintenance charges for lands under the Fort Belknap Irrigation Project, Montana, for the calendar year 1936 and subsequent years until further notice are hereby fixed at $1 per acre against all trust Indian land leased and on all other irrigable project tracks not under the control of the Indians.

The charges as herein fixed shall become due on April 1st and are payable on or before that date. No water will be delivered to any leased land or to irrigable tracts not controlled by Indians until all due assessments have been paid, except in those cases where leases provide that the lessor pay irrigation charges, water will be delivered provided the Superintendent of the reservation shall have issued a statement to the Project Engineer certifying that the Indian lessor has paid or will pay the charges. To all charges assessed against lands owned by non-Indians and all lands operated by non-Indian lessees, whose lease contract provides for payment of irrigation charges by the lessee, and which are not paid on July 1 following the due date, there shall be added a penalty of ½ of 1 per cent per month, or fraction thereof, from the due date, April 1, so long as the delinquency continues.

T. A. WALTERS,
First Assistant Secretary.

[F. R. Doc. 1949—Filed, August 27, 1936; 10:06 a. m.]

ORDER

FIXING OPERATION AND MAINTENANCE CHARGES, KLAMATH IRRIGATION PROJECTS, OREGON

MARCH 14, 1936.

In compliance with the provisions of an Act of August 1, 1914 (38 Stat. 582-83), the operation and maintenance charges for the lands under the units of the Klamath Reservation Projects, Oregon, for the calendar year 1936 and each subsequent year thereafter until further notice, are hereby fixed as follows:

Modoc Point Project

All lands to which water can be delivered, $1 per acre.

Sand Creek Project

All lands to which water can be delivered, $1 per acre.

The charges as herein fixed shall become due April 1st and are payable on or before that date. To all charges assessed against owners of patent in fee or white-owned lands not paid on July 1 following, there shall be added a penalty of ½ of 1 per cent per month, or fraction thereof, so long as the delinquency continues. No water shall be delivered to lands where assessments have been made until such charges have been paid in full.

T. A. WALTERS.
First Assistant Secretary.

[F. R. Doc. 1950—Filed, August 27, 1936; 10:06 a. m.]

ORDER

FIXING OPERATION AND MAINTENANCE CHARGES UINTAH IRRIGATION PROJECT, UTAH

MARCH 14, 1936.

In compliance with the provisions of the Act of June 21, 1906 (34 Stat. 325-375) the operation and maintenance charges for the lands under the following units and under the various ditches in those units of the Uintah Irrigation Project, except where otherwise established by contract, for the calendar year 1936, and subsequent years until further notice, based on estimated costs for each year, are fixed for each acre susceptible of irrigation as follows:

	Assessment per Acre Susceptible of Irrigation
Uintah River Unit, comprising Bench No. 1, Henry Jim and Uintah Ditches, assessable area 18,422.53 acres	$0.70
Individual Indian Unit on Uintah River, comprising Harmes, Individual Indian A, B, C, and D, Daniels and Tabby White Ditches, assessable area 1,749.11 acres	.60
Duchesne River Unit, comprising Grey Mountain, Jasper Pike, Leland, Myton Townsite, Ouray School, and Pahcease and Wissiup ditches, assessable area 19,013.82 acres	.75
Lakefork River Unit, comprising Lakefork, Red Cap, and Dry Gulch ditches, assessable area 25,047.6 acres	.75
Deep Creek Unit, diverting from Whiterocks and Uintah Rivers, comprising Deep Creek Ditch, assessable area 6,935.52 acres	1.10
Whiterocks Unit, comprising Farm Creek and Whiterocks Ditches, assessable area 6,486.6 acres	.85

Time of Payment.—The charges herein fixed shall become due April 1 and are payable on or before that date. To all such charges assessed against owners of patent in fee land not paid on July 1, following, there shall be added a penalty of ½ of 1 per cent per month, or fraction thereof, from due date of April 1 as long as delinquency continues.

Conditions of Payment.—No water shall be delivered to:

1. *Patent in fee landowners,* until at least 50 per cent of charges herein assessed is paid, and water delivery shall not be continued after July 1 unless the total charges shall have been paid.

2. *Indians farming their own land,* until the Superintendent of the reservation shall have issued a certificate to the Project Engineer certifying that the Indian has paid or will pay such charges through the Superintendent or that such Indian is financially unable to pay the charges.

3. *Lessee of Indian trust patent land,* until the Superintendent of the Reservation shall have furnished the Project Engineer with a certificate stating that the lessee has fully complied with the terms of the lease relative to the payment of the annual operation and maintenance charges.

T. A. WALTERS.
First Assistant Secretary.

[F. R. Doc. 1953—Filed, August 27, 1936; 10:07 a. m.]

ORDER

FIXING OPERATION AND MAINTENANCE CHARGES, WAPATO IRRIGATION PROJECT, WASHINGTON

MARCH 14, 1936.

In compliance with the provisions of the Act of August 1, 1914 (38 Stat., 582-583), the operation and maintenance charges for the assessable lands under the Wapato Project for the calendar year 1936, and subsequent years until further notice, are hereby fixed as follows:

1. *Minimum Charge* for all tracts in noncontiguous single ownership	$5.00
2. *Flat Rate.* Upon all farm units or tracts for each assessable acre	1.20
3. *Storage Operation and Maintenance* for all lands with a storage water right, known as "B" lands, in addition to other charges	.25

Time of Payment.—The charges as herein fixed for a flat rate shall become due April 1 and are payable on or before that date. To all such charges assessed against owners of patent in fee lands or lessees paying Project direct, not paid on July 1, following, there shall be added a penalty of ½ of 1 per cent per month, or fraction thereof, from due date, April 1, so long as the delinquency continues.

Conditions of Payment.—No water shall be delivered to:

1. *Patent in fee landowners,* until at least 50 per cent of the charges herein assessed is paid, and water delivery shall not be continued after July 1, unless total charges shall have been paid.

2. *Indians farming their own land,* until the charges are paid to the Indian Irrigation Service as required in this order of patent in fee owner, or the Superintendent of the reservation shall have issued a certificate to the Project Engineer certifying that the Indian will pay such charges through the Superintendent or that such Indian is financially unable to pay the charge.

3. *Lessees of trust Indian lands,* until lessees shall have paid as required in the order of patent in fee owners. Or, in cases where the terms of the lease provide that the landowner shall pay the operation and maintenance charges from the lease rental, no water shall be delivered until the Superintendent of the reservation shall have furnished the Project Engineer a certificate stating that the lessee has fully complied with all the terms of the lease.

Maximum Delivery on Bench Lands.—To protect adjoining lands against seepage and damage by excess use of water on tracts located in the so-called Bench area, the maximum delivery is fixed at four acre feet per acre.

Assessable lands.—The following lands of the Wapato Project will be assessable under this order:

All Indian trust (A or B) land designated as assessable by the Secretary of the Interior except land which has not heretofore been cultivated, if in the opinion of the Project Engineer the cost of preparing such land for irrigation is so high as to preclude its being leased for agricultural purposes.

All Indian trust (A or B) land, not designated as assessable by the Secretary of the Interior, on which water had

been charged during the preceding year on the project books, and such irrigable lands for which application is made for each calendar year.

All patent in fee land covered by water right contract capable of producing crops under present drainage conditions, which drainage or swamped conditions shall be determined by the Project Engineer.

All cases where a farmer refuses to clean waste ditches, or fails to clean them, the Project Engineer is hereby authorized to have such ditches cleaned and include such in the operation and maintenance assessments against the land benefited, provided that before such cleaning shall be done by the Project Engineer the water user shall first be duly notified of his failure and of the necessity for action by the Project Engineer.

Any patent in fee land, in the discretion of the Project Engineer, on which a water contract has been applied for or is being amended, upon the payment of charges; without prejudice to the rejection or approval of such contract, or on which water has been charged during the preceding calendar year on the project books.

T. A. WALTERS,
First Assistant Secretary.

[F. R. Doc. 1952—Filed, August 27, 1936; 10:07 a. m.]

ORDER

FIXING OPERATION AND MAINTENANCE ASSESSMENT RATE, WIND RIVER IRRIGATION PROJECT, WYOMING

MARCH 14, 1936.

In compliance with the provisions of an Act of August 1, 1914 (38 Stat. 582–583), the Operation and Maintenance charges for the lands under the Wind River Irrigation Project, Wyoming, for the calendar year 1936 and subsequent years until further notice, are hereby fixed at $1.10 per acre for the assessable area under constructed works on the Diminished Wind River Project and at $0.90 per acre on the Ceded Wind River Project; except that in the case of all irrigable trust patent Indian land lying within the Ceded Reservation that is benefited by the Big Bend Drainage District where an additional assessment of 25 cents per acre is hereby fixed.

The charges as herein fixed shall become due April 1st, and are payable on or before that date. To all charges assessed against owners of patent in fee or white-owned lands and which are not paid on July 1st following the due date, there shall be added a penalty of ½ of 1 per cent per month, or fraction thereof, from the due date, April 1st, so long as the delinquency continues. No water shall be delivered to patent in fee or white-owned lands until such charges have been paid, or to trust patent lands until the Superintendent of the reservation shall have issued a statement to the Project Engineer certifying that the Indian farming such land has paid or will pay, or that such Indian is financially unable to pay the charge, or in the case of such Indian trust lands as are leased, until terms of the lease relative to the payment of water charges shall have been complied with.

T. A. WALTERS,
First Assistant Secretary.

[F. R. Doc. 1951—Filed, August 27, 1936; 10:06 a. m.]

FLATHEAD IRRIGATION DISTRICT, RONAN, MONTANA

ASSESSMENTS—RULES AND REGULATIONS

MAY 6, 1936.

In pursuance to the provisions of a contract executed by the Flathead Irrigation District, Flathead Irrigation Project, Montana, on May 12, 1928, and approved by the Secretary of the Interior on November 24, 1928, supplemented by an agreement between the Secretary of the Interior and the Flathead Irrigation District on February 27, 1929, and further supplemented by an agreement between the Secretary of the Interior and the Flathead Irrigation District on March 28, 1934, notice is hereby given that the assessment for operation and maintenance of the irrigation system to serve that portion of the Flathead Irrigation Project within the confines of the Flathead Irrigation District for the irrigation season of 1937 is $53,000. This assessment involves an assessable area of approximately 66,582.6 acres but does not include any lands held under Indian trust patent, and covers all proper project overhead and general charges. This amount shall be paid by the District to the United States in advance of delivery of water, one-half thereof to be paid on or before February 1, 1937, and the remainder to be paid on or before July 1, 1937.

The following rules and regulations shall be effective for the area included in the Flathead Irrigation District organization during the irrigation season of 1936 and 1937:

The proper officials of the Flathead Irrigation District shall levy a minimum charge assessment against the irrigable area of the individual tracts included in the District, which minimum charge assessment shall result in a sum sufficient to provide for the payment of the assessment against the District. Payment of the assessment so levied shall entitle a water user to the delivery of water without further charge up to 1½ acre-feet per acre of irrigable assessable land included in the farm unit, allotment, or tract of land, provided that after an agreement has been reached by the Commissioners of the Irrigation District and the Project Engineer as to duty of water on individual tracts where the water users claim excess requirements on account of porous or gravelly soils, the Project Engineer shall have authority, pending further orders, to increase the quantity of water to be delivered under the minimum charge levy to such porous or gravelly tract provided it shall not exceed 4 acre feet of water per acre for the assessable irrigable area of the tract; and provided further that upon agreement between the Commissioners of the District and the Project Engineer as to duty of water on any individual tracts within the Moiese subdivision of the project, which is supplied entirely through the Lower Crow Reservoir, the owners of which tracts claim excessive water requirements because of extremely porous or gravelly soils, the Project Engineer is authorized, pending further orders, to increase the quantity of water to be delivered under the minimum charge levy, provided it shall not exceed 6 acre feet per acre of assessable irrigable land; provided further that this special provision regarding tracts within the Moiese subdivision shall be applicable only in the event the water supply available from the stored water supply in the Lower Crow Reservoir is ample to allow such excess use without drawing on the water supply of other portions of the Mission Valley Division of the Flathead Project.

For all water delivered to any farm unit, allotment or tract in excess of the duty allowable for that tract, under the minimum charge assessment, there shall be made a charge of 75 cents per acre foot in addition to the minimum charge as fixed by the District levy, and such additional charge shall be added to the minimum advance levy for the following irigation season; provided further that the maximum charge for water delivered to any farm unit or allotment during the irrigation season shall not exceed an amount equal to two dollars ($2) per acre for the entire irrigable area of the farm unit or allotment.

The United States reserves the right to refuse to deliver water to the Flathead Irrigation District, in the event of the default by such District or landowner for a period of more than one year in any payment due the United States.

The Flathead Irrigation District may make such rules and regulations as it may find necessary in regard to the delivery of water to a landowner of the District who is delinquent in

payment of any assessment to the District, and such rules and regulations will be enforced by the Project Engineer when it appears to be to the best interests of both the United States and the District to do so.

At any time during the irrigation season when it shall appear, in the judgment of the Project Engineer, that there shall not be sufficient water available to deliver the amount specified in this regulation to the entire irrigable area for which application for delivery of water has been made and approved, then the Project Engineer shall be authorized to reduce such amounts to the extent that there shall, in his judgment, be sufficient water available to make proportionate delivery to each farm unit, allotment, or tract; and when any farm unit, allotment, or tract shall have had delivered to it the amount so fixed, it shall not be entitled to further delivery of water except when it shall appear that there is a surplus of water available.

On all sums called for by this order not paid on the due date, the District shall pay a penalty at the rate of 6 per centum per annum during the period of delinquency.

Any deficit or surplus arising by reason of the costs being more or less than the assessments shall be adjusted in an equitable manner by taking it into account when fixing future assessment rates.

All charges herein mentioned shall be paid to the Special Disbursing Agent, Indian Irrigation Service, St. Ignatius, Montana, or any other properly designated officer in his absence.

Application for Water Service.—No water will be delivered except under an approved application. The irrigation season for this project covers the period from April 15 to October 15, inclusive. To receive full recognition for an irrigation season application for water service should be filed in the office of the Indian Irrigation Service at St. Ignatius, Montana, sufficiently early so that the same may be approved by the United States on or before the opening of the irrigation season. Every application accepted by the United States after May 1 shall be approved with the understanding that water will be delivered thereunder for the then current season only after requirements of lands covered by applications previously approved shall have been fully provided for. Applications must describe the entire area which will be irrigated during the season.

Care of Waste Water.—All applicants for water shall be required to construct and maintain in good order and repair upon their lands such ditches as may be necessary to catch and conduct to some waste canal, ditch, lateral, or natural drainage channel any water flowing upon or from such lands. No waste water will be allowed to collect within 20 feet of any canal or lateral belonging to the United States, nor shall any waste ditches be constructed or maintained within 10 feet of any canal or lateral belonging to the United States, except at points of intersection or crossing, which shall be located only by order and under the direction of the proper officer of the United States. No water will be furnished to any applicant during such time as he fails to comply with the provisions of this paragraph.

WILLIAM ZIMMERMAN, Jr.,
Assistant Commissioner.

Approved, May 14, 1936.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 1958—Filed, August 27, 1936; 10:09 a. m.]

JOCKO VALLEY IRRIGATION DISTRICT, ARLEE, MONTANA

ASSESSMENTS—RULES AND REGULATIONS

MAY 6, 1936.

In pursuance to the provisions of a contract executed by the Jocko Valley Irrigation District, Flathead Irrigation Project, Montana, on November 13, 1934, and approved by the Secretary of the Interior on February 26, 1936, notice is hereby given that the assessment for operation and maintenance of the irrigation system to serve that portion of the Flathead Irrigation Project within the confines of the Jocko Valley Irrigation District for the irrigation season of 1937 is $3,500. This assessment involves an assessable area of approximately 4,587 acres, but does not include any lands held under Indian trust patent, and covers all proper project overhead and general charges. This amount shall be paid by the District to the United States in advance of delivery of water, one-half thereof to be paid on or before February 1, 1937, and the remainder to be paid on or before July 1, 1937.

The following rules and regulations shall be effective for the area included in the Jocko Valley Irrigation District during the irrigation season of 1937:

The proper officials of the Jocko Valley Irrigation District shall levy a minimum charge assessment against the irrigable area of the individual tracts included in the District, which minimum charge assessment shall result in a sum sufficient to provide for the payment of the assessment against the District. Payment of the assessment as levied shall entitle the water user to delivery of water without further charge up to 1½ acre feet per acre of irrigable assessable land included in the farm unit, allotment or tract of land, provided that after an agreement has been reached by the Commissioners of the Irrigation District and the Project Engineer as to duty of water on individual tracts where the water users claim excess requirements on account of porous or gravelly soils, the Project Engineer shall have authority, pending further orders, to increase the quantity of water to be delivered under the minimum charge levy to such porous or gravelly tract provided it shall not exceed 4 acre feet of water per acre for the assessable irrigable area of the tract.

For all water delivered to any farm unit, allotment, or tract in excess of the duty allowable for that tract, under the minimum charge assessment, there shall be made a charge of 75 cents per acre foot in addition to the minimum charge as fixed by the District levy, and such additional charge shall be added to the minimum advance levy for the following irrigation season: provided, further, that the maximum charge for water delivered to any farm unit or allotment during the irrigation season shall not exceed an amount equal to two dollars ($2) per acre for the entire irrigable area of the farm unit or allotment.

The United States reserves the right to refuse to deliver water to the Jocko Valley Irrigation District, in the event of the default by such District or landowner for a period of more than one year in any payment due the United States.

The Jocko Valley Irrigation District may make such rules and regulations as it may find necessary in regard to the delivery of water to a landowner of the District who is delinquent in payment of any assessment to the District, and such rules and regulations will be enforced by the Project Engineer when it appears to be to the best interests of both the United States and the District to do so.

At any time during the irrigation season when it shall appear, in the judgment of the Project Engineer, that there shall not be sufficient water available to deliver the amount specified in this regulation to the entire irrigable area for which application for delivery of water has been made and approved, then the Project Engineer shall be authorized to reduce such amounts to the extent that there shall, in his judgment, be sufficient water available to make proportionate delivery to each farm unit, allotment, or tract; and when any farm unit, allotment, or tract shall have had delivered to it the amount so fixed, it shall not be entitled to further delivery of water except when it shall appear that there is a surplus of water available.

On all sums called for by this order not paid on the due date, the District shall pay a penalty at the rate of 6 per centum per annum during the period of delinquency.

Any deficit or surplus arising by reason of the costs being more or less than the assessments shall be adjustable in an

equitable manner by taking it into account when fixing future assessment rates.

All charges herein mentioned shall be paid to the Special Disbursing Agent, Indian Irrigation Service, St. Ignatius, Montana, or any other properly designated officer in his absence.

Application for Water Service.—No water will be delivered except under an approved application. The irrigation season for this project covers the period from April 15 to October 15, inclusive. To receive full recognition for an irrigation season, application for water service should be filed in the office of the Indian Irrigation Service at St. Ignatius, Montana, sufficiently early so that the same may be approved by the United States on or before the opening of the irrigation season. Every application accepted by the United States after May 1 shall be approved with the understanding that water will be delivered thereunder for the then current season only after requirements of lands covered by applications previously approved shall have been fully provided for. Applications must describe the entire area which will be irrigated during the season.

Care of Waste Water.—All applicants for water shall be required to construct and maintain in good order and repair upon their lands such ditches as may be necessary to catch and conduct to some waste canal, ditch, lateral or natural drainage channel any water flowing upon or from such lands. No waste water will be allowed to collect within 20 feet of any canal or lateral belonging to the United States, nor shall any waste ditches be constructed or maintained within 10 feet of any canal or lateral belonging to the United States, except at points of intersection or crossing, which shall be located only by order and under the direction of the proper officer of the United States. No water will be furnished to any applicant during such time as he fails to comply with the provisions of this paragraph.

WILLIAM ZIMMERMAN, Jr.,
Assistant Commissioner.

Approved, May 14, 1936.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 1956—Filed, August 27, 1936; 10:08 a. m.]

MISSION IRRIGATION DISTRICT, ST. IGNATIUS, MONTANA

ASSESSMENTS—RULES AND REGULATIONS

MAY 6, 1936.

In pursuance to the provisions of a contract executed by the Mission Irrigation District, Flathead Irrigation Project, Montana, on March 7, 1931, and approved by the Secretary of the Interior on April 21, 1931, notice is hereby given that the assessment for operation and maintenance of the irrigation system to serve that portion of the Flathead Irrigation Project within the confines of the Mission Irrigation District for the irrigation season of 1937 is $8,000. This assessment involves an assessable area of approximately 11,064.3 acres but does not include any lands held under Indian trust patent, and covers all proper project overhead and general charges. This amount shall be paid by the District to the United States in advance of delivery of water, one-half thereof to be paid on or before February 1, 1937, and the remainder to be paid on or before July 1, 1937.

The following rules and regulations shall be effective for the area included in the Mission Irrigation District organization during the irrigation season of 1936 and 1937:

The proper officials of the Mission Irrigation District shall levy a minimum charge assessment against the irrigable area of the individual tracts included in the District, which minimum charge assessment shall result in a sum sufficient to provide for the payment of the assessment against the District. Payment of the assessment so levied shall entitle a water user to the delivery of water without further charge up to 1½ acre feet per acre of irrigable assessable land included in the farm unit, allotment or tract of land, provided that after an agreement has been reached by the Commissioners of the Irrigation District and the Project Engineer as to duty of water on individual tracts where the water users claim excess requirements on account of porous or gravelly soils, the Project Engineer shall have authority, pending further orders, to increase the quantity of water to be delivered under the minimum charge levy to such porous or gravelly tract provided it shall not exceed 4 acre feet of water per acre for the assessable irrigable area of the tract.

For all water delivered to any farm unit, allotment, or tract in excess of the duty allowable for that tract, under the minimum charge assessment, there shall be made a charge of 75 cents per acre foot in addition to the minimum charge as fixed by the District levy, and such additional charge shall be added to the minimum advance levy for the following irrigation season; provided further that the maximum charge for water delivered to any farm unit or allotment during the irrigation season shall not exceed an amount equal to two dollars ($2) per acre for the entire irrigable area of the farm unit or allotment.

The United States reserves the right to refuse to deliver water to the Mission Irrigation District, in the event of the default by such District or landowner for a period of more than one year in any payment due the United States.

The Mission Irrigation District may make such rules and regulations as it may find necessary in regard to the delivery of water to a landowner of the District who is delinquent in payment of any assessment to the District, and such rules and regulations will be enforced by the Project Engineer when it appears to be to the best interests of both the United States and the District to do so.

At any time during the irrigation season when it shall appear, in the judgment of the Project Engineer, that there shall not be sufficient water available to deliver the amount specified in this regulation to the entire irrigable area for which application for delivery of water has been made and approved, then the Project Engineer shall be authorized to reduce such amounts to the extent that there shall, in his judgment, be sufficient water available to make proportionate delivery to each farm unit, allotment, or tract; and when any farm unit, allotment, or tract shall have had delivered to it the amount so fixed, it shall not be entitled to further delivery of water except when it shall appear that there is a surplus of water available.

On all sums called for by this order not paid on the due date, the District shall pay a penalty at the rate of 6 per centum per annum during the period of delinquency.

Any deficit or surplus arising by reason of costs being more or less than the assessments shall be adjusted in an equitable manner by taking it into account when fixing future assessment rates.

All charges herein mentioned shall be paid to the Special Disbursing Agent, Indian Irrigation Service, St. Ignatius, Montana, or any other properly designated officer in his absence.

Application for Water Service.—No water will be delivered except under an approved application. The irrigation season for this project covers the period from April 15 to October 15 inclusive. To receive full recognition for an irrigation season, application for water service should be filed in the office of the Indian Irrigation Service at St. Ignatius, Montana, sufficiently early so that the same may be approved by the United States on or before the opening of the irrigation season. Every application accepted by the United States after May 1 shall be approved with the understanding that water will be delivered thereunder for the then current season only after requirements of lands covered by applications previously approved shall have been fully provided for. Applications must describe the entire area which will be irrigated during the season.

Care of Waste Water.—All applicants for water shall be required to construct and maintain in good order and repair upon their lands such ditches as may be necessary to catch

and conduct to some waste canal, ditch, lateral, or natural drainage channel any water flowing upon or from such lands. No waste water will be allowed to collect within 20 feet of any canal or lateral belonging to the United States, nor shall any waste ditches be constructed or maintained within 10 feet of any canal or lateral belonging to the United States, except at points of intersection or crossing, which shall be located only by order and under the direction of the proper officer of the United States. No water will be furnished to any applicant during such time as he fails to comply with the provisions of this paragraph.

WILLIAM ZIMMERMAN, Jr.,
Assistant Commissioner.

Approved, May 14, 1936.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 1957—Filed, August 27, 1936; 10:03 a. m.]

DEPARTMENT OF LABOR.

Reg. No. 503.

AMENDMENT TO REGULATIONS PRESCRIBED BY THE SECRETARY OF LABOR AS TO THE PROCEDURE TO BE FOLLOWED IN PREDETERMINING THE PREVAILING RATES OF WAGES—ADDING A SECTION NUMBERED 22

AUGUST 26, 1936.

By virtue of the authority vested in the Secretary of Labor by R. S. Sec. 161, U. S. C., Ti. 5, Sec. 22, and by the Davis-Bacon Law, as amended (Act of August 30, 1935. Public, No. 403, 74th Cong., 49 Stat. 1011, U. S. C., Ti. 40, Sec. 276 (a)), the following amendment to the regulations dated September 30, 1935 (Reg. No. 503) is hereby prescribed:

Section 22 (Effect of Determinations). The determinations of the Secretary of Labor under the said Davis-Bacon Law shall be deemed to establish the minimum wages which may be paid to the designated laborers and mechanics less any and all deductions from payroll which may be required by any laws now or hereafter in force, in any state where a project for which determination is made is situated, calling for contributions by employees from earnings to funds maintained in the administration of an unemployment compensation law approved by the Social Security Board under titles III and IX of the Social Security Act (Act of Aug. 14, 1935, Pub., No. 271, 74th Cong., c. 531, title I, sec. 1, 49 Stat. 620, 42 U. S. C. A., sec. 301–1305).

CHARLES O. GREGORY,
Acting Secretary of Labor.

[F. R. Doc. 1942—Filed, August 27, 1936; 9:47 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of August A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2705]

IN THE MATTER OF STARTUP CANDY COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41);

It is ordered, that Charles P. Vicini, an examiner of this Commission, be, and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered, that the taking of testimony in this proceeding begin on Tuesday, September 8, 1936, at two o'clock in the afternoon of that day (mountain standard time), in Room 220, Federal Building, Salt Lake City, Utah.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 1943—Filed, August 27, 1936; 9:48 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of August A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2706]

IN THE MATTER OF J. G. MCDONALD CHOCOLATE CO., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41);

It is ordered, that Charles P. Vicini, an examiner of this Commission, be, and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered, that the taking of testimony in this case begin on Tuesday, September 8, 1936, at eleven o'clock in the forenoon of that day (mountain standard time), in Room 220, Federal Building, Salt Lake City, Utah.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 1944—Filed, August 27, 1936; 9:48 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of August A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2703]

IN THE MATTER OF SHUPE-WILLIAMS CANDY COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal

Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41);

It is ordered, that Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Tuesday, September 8, 1936, at three o'clock in the afternoon of said day (mountain standard time), in room 220, Federal Building, Salt Lake City, Utah.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 1945—Filed, August 27, 1936; 9:48 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of August A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2818]

IN THE MATTER OF THE VOGAN CANDY CORPORATION, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41);

It is ordered, that Henry M. White, an examiner of this Commission, be, and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Monday, September 21, 1936, at ten o'clock in the forenoon of that day (Pacific standard time), in Room 526, Federal Building, Portland, Oregon.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 1946—Filed, August 27, 1936; 9:49 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of August A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2837]

IN THE MATTER OF OSTLER CANDY COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41);

It is ordered, that Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered, that the taking of testimony in this proceeding begin on Wednesday, September 9, 1936, at ten o'clock in the forenoon of that day (mountain standard time), in Room 220, Federal Building, Salt Lake City, Utah.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 1947—Filed, August 27, 1936; 9:49 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of August A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2882]

IN THE MATTER OF EUCLID CANDY COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41);

It is ordered, that Charles P. Vicini, an examiner of this Commission, be, and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Wednesday, September 16, 1936, at two o'clock in the afternoon of that day, in room 707, Flatiron Building, 544 Market Street, San Francisco, California, Pacific Standard Time.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 1948—Filed, August 27, 1936; 9:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

SECURITIES ACT OF 1933

[Release No. 1006]

AMENDMENT NO. 28 TO INSTRUCTION BOOK FOR FORM A-2

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Sections 7 and 19 (a) thereof and finding that any information or documents specified in Schedule A of that Act which Form A-2 and the book of instructions accompanying that form, as hereby amended, do not require to be set forth, are inapplicable to the class of securities to which such form is appropriate and that disclosure fully adequate for the protection of investors is otherwise required to be included in the registration state-

ment, and that such information or documents as Form A-2 and the accompanying book of instructions, as hereby amended, require to be set forth, but which are not specified in Schedule A, are necessary and appropriate in the public interest and for the protection of investors, hereby amends Form A-2 and the book of instructions accompanying that form, as follows:

By deleting, under paragraph 4 of the "Instructions as to Financial Statements" in the instruction book for Form A-2 for Corporations, paragraph (2) captioned *"Companies engaged primarily in the recovery, refining, and distribution of oil and gas"* and inserting in lieu thereof the following:

(2) *Certain companies engaged in foreign operations.*—If the registrant, directly or through subsidiaries, conducts business in at least ten (10) countries other than the United States of America, the balance sheets required under sub-paragraph (a) of paragraph 1 under the caption "Instructions as to Financial Statements" need be only as of a date within nine (9) months prior to filing the registration statement if all the following conditions exist:

(a) The business of the registrant and its subsidiaries viewed as a whole is not primarily that of conducting banking, insurance, investment, or other financial operations;

(b) The total assets, after deduction of valuation or qualifying reserves, of the registrant, as shown by the latest balance sheet of the registrant filed with the registration statement, or if a consolidated balance sheet is filed, by the latest consolidated balance sheet so filed, amount to at least $100,000,000;

(c) At least 25% of the aggregate of the gross sales and operating revenues, after deduction of intercompany items, of the registrant and its subsidiaries, as shown by the latest profit and loss statements filed with the registration statement are made in countries other than the United States of America;

Provided, That, if the registrant exercises the privilege accorded by this rule, it shall file, in addition to the other financial statements filed, a statement setting forth:

(i) Current assets and current liabilities of the registrant, in the form prescribed for such sections of the balance sheet, as of a date within ninety (90) days. This statement may be as shown by the books of the registrant;

(ii) Any significant changes in current assets of the subsidiaries of the registrant, other than changes resulting from the ordinary course of business, and any significant changes in the indebtedness of such subsidiaries, other than changes directly resulting from the purchase of current assets in the ordinary course of business. This statement shall be filed as of the date as of which the statement required by (i) above is given;

(iii) The aggregate net sales and operating revenues of the registrant and its subsidiaries computed in the same manner as on the respective profit and loss statements filed, from the date of the respective latest balance sheets filed to the date as of which the statement required by (i) is given;

(iv) Any significant changes in capital structure of the registrant and its subsidiaries between the dates of the respective latest balance sheets filed and the date as of which the statement required by (i) above is given."

The foregoing amendment shall be effective immediately upon publication; provided, however, that any registrant may, at its option, through and including October 31, 1936, be governed by the form and instruction book as existing prior to the adoption of the foregoing amendment.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 1964—Filed, August 27, 1936; 12:38 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of August A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MAGNOLIA-SIMPSON FARM, FILED ON JULY 24, 1936, BY ROYAL PETROLEUM CORPORATION, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered, that the Suspension Order, Order for Hearing, and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 1967—Filed, August 27, 1936; 12:39 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of August A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CENTRAL-BENSO "A" FARM, FILED ON JULY 22, 1936, BY KENT K. KIMBALL, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on August 21, 1936, be effective as of August 21, 1936; and

It is further ordered, that the Suspension Order, Order for Hearing, and Order Designating a Trial Examiner, heretofore entered in this proceeding, be, and the same hereby are, revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 1968—Filed, August 27, 1936; 12:39 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of August A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE DERBY-SEEDLE FARM, FILED ON AUGUST 20, 1936, BY ROYALTY BROKERAGE COMPANY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that it is not explained fully in Division III how each factor used was determined for the particular tract;

2. In that reasons are not stated and explained in Division III for the use of each particular factor in combination with each of the other factors;

3. In that no consideration has been given in Division III to the shrinkage of oil due to the liberation of dissolved gas and reduction in temperature;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 25th day of September 1936, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding commence on the 10th day of September 1936, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 1966—Filed, August 27, 1936; 12:38 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of August A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE TEXAS-COLLINS FARM, FILED ON AUGUST 20, 1936, BY ROYALTY BROKERAGE COMPANY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that it is not explained fully in Division III how each factor used was determined for the particular tract;

2. In that reasons are not stated and explained in Division III for the use of each particular factor in combination with each of the other factors;

3. In that no consideration has been given in Division III to the shrinkage of oil due to the liberation of dissolved gas and reduction in temperature;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 25th day of September 1936, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered, that Charles S. Moore, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding commence on the 10th day of September 1936, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 1965—Filed, August 27, 1936; 12:38 p. m.]

Saturday, August 29, 1936 — *No. 121*

DEPARTMENT OF STATE.

To the People of the United States:

George Henry Dern, Secretary of War, died in the city of Washington on the morning of Thursday, August twenty-seventh, at five minutes before eleven o'clock.

The death of this distinguished member of the President's Cabinet comes as a great shock and a great sorrow to his friends and as a national bereavement to the Government and people of the United States.

Reaching a position of high trust in private enterprise, he became in 1915 a member of the Senate of the State of Utah and later a member of the State Council of Defense in the World War.

In 1925, Mr. Dern was elected Governor of his State, which position he filled with honor and distinction. It was after his second term as Governor that Mr. Roosevelt, on becoming President, called him to serve as his Secretary of War. During his whole official career it was his unfaltering high purpose to promote the interests of his country.

As a mark of respect to the memory of Secretary Dern, the President directs that the national flag be displayed at half staff on all public buildings in the District of Columbia and the State of Utah until the interment shall have taken place.

By direction of the President,

CORDELL HULL,
Secretary of State.

DEPARTMENT OF STATE,
Washington, August 27, 1936.

[F. R. Doc. 1970—Filed, August 27, 1936; 4:23 p. m.]

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48496]

CUSTOMS REGULATIONS AMENDED—DRAWBACK

RETURN OF MAIL SHIPMENTS TO THE DELIVERING POST OFFICE FOR EXPORTATION, WITH BENEFIT OF DRAWBACK, UNDER SECTION 313 (C), TARIFF ACT OF 1930

To Collectors of Customs and Others Concerned:

Pursuant to the authority contained in Section 251, Revised Statutes (U. S. C., title 19, sec. 66), Sections 313 (l)